

and was payable twelve months from date, and according to the certified copy of said mortgage on the mortgage records or Land Records of Frederick County, at the present time this mortgage is unreleased. It is dated the 14th day of March, 1895, and my first question with respect to this exhibit is prior to the time when you received the report on the title of your property some month and a half ago, were you aware that this mortgage existed against the property which you owned?

A No, sir, I did not.

Q When you received this property from your father in 1941 did you have any discussion about whether or not there was good title to the property at that time?

A We did not. I thought that there were.

Q You thought you had good title?

A Thought I had a clear title to the property.

Q Since the time that you have learned of this mortgage which is outstanding against the property have you had any conversation with anyone in the Michael family regarding it?

A I just talked to Mr. Elmer, and Marion would be his nephew, and his nephew is living right next neighbor next door to me. He said Mr. Michael thought - he knew that the debt had been paid off.

Q This is the one you were speaking to: Elmer Michael?

A No, Marion. I talked to Mr. Elmer and he said he was pretty sure it had all been straightened up.

Q And this Elmer Michael you refer to would be the son of Marion and Alice Michael?

A That's right.

Q In other words, the statement made to you by Mr. Elmer Michael was to the effect that this debt had been paid in the past?

A He was pretty sure it had been.

Q You never heard your father speak about the fact that there was an indebtedness against the property in any form?